

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON ALLEN MAINES,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 3:21-cv-102
)	Judge Stephanie L. Haines
MICHAEL ZAKEN, Superintendent, SCI)	Magistrate Judge Maureen P. Kelly
GREENE; and GREGORY J.)	
NEUGEBAUER, Cambria County, DA)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner Jason Allen Maines (“Petitioner”) is a state prisoner currently incarcerated at State Correctional Institution- Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 seeking to challenge his criminal convictions in the Court of Common Pleas of Cambria County (ECF No. 1). This matter was referred to Magistrate Judge Maureen P. Kelly for proceedings in accordance with the Federal Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D.

On June 28, 2021, Petitioner filed a motion for transfer to Pittsburgh Division (ECF No. 5) seeking to transfer this case from the Johnstown Division of the Western District of Pennsylvania to the Pittsburgh Division of the Western District of Pennsylvania pursuant to 28 U.S.C. §§1404(a) and (b). In support of the motion to transfer (ECF No. 5), Petitioner raised the following alleged conflicts: a former detective involved in Petitioner’s underlying criminal cases is currently employed as a Court Security Officer (“CSO”) with the Johnstown Division; Petitioner asserts a claim of ineffective assistance of counsel against the attorney who represented him during his underlying criminal trial and that attorney is now an Assistant U.S. Attorney who Petitioner alleges presumably practices frequently before the Johnstown Division; and lastly, Petitioner speculates

that the undersigned judge, while serving as an Assistant U.S. Attorney prior to elevation to the federal bench, may have communicated with Petitioner's former fiancée regarding Petitioner's underlying criminal case. On July 9, 2021, the Respondents filed a response opposing the transfer (ECF No. 13) and brief in support of that response (ECF No. 14), and Petitioner filed a reply (ECF No. 17) on July 26, 2021.

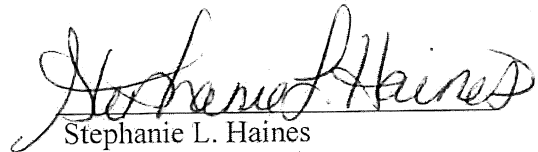
On August 3, 2021, Magistrate Judge Kelly issued a Report and Recommendation (ECF No. 20) recommending that Petitioner's motion for transfer to the Pittsburgh Division (ECF No. 5) be denied but that such denial should be without prejudice to Petitioner seeking additional relief insofar as he intends to file a motion for the undersigned's recusal in this matter, which should be filed with this Court. The parties were advised they had fourteen days to file written objections to the Report and Recommendation (ECF No. 20). *See* 28 U.S.C. § 636 (b)(1)(B) and (C) and Local Civil Rule 72.D.2. The parties did not file objections, and the time to do so has expired.

Upon review of the record and the Report and Recommendation (ECF No. 20) under the applicable "reasoned consideration" standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of the Magistrate Judge in this matter. Magistrate Judge Kelly correctly determined Petitioner failed to meet his burden to demonstrate his entitlement to transfer of this matter from the Johnstown Division to the Pittsburgh Division.

Accordingly, the following order is entered:

ORDER

AND NOW, this 8th day of October, 2021, for the reasons set forth in the Magistrate Judge's Report and Recommendation (ECF No. 20) which is adopted as the Opinion of the Court, IT IS ORDERED that Petitioner's motion for transfer to Pittsburgh Division (ECF No. 5) is DENIED.


Stephanie L. Haines
United States District Judge